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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/759,362 | 01/16/2004 | Richard D. Ortiz | 200313551-1 | 9924 |

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EXAMINER

PUENTE, EMERSON C

ART UNIT PAPER NUMBER

2113

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/759,362 | Applicant(s) ORTIZ ET AL. | |
| | Examiner Emerson C. Puente | Art Unit 2113 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-9,13-16,20 and 21 is/are rejected.
- 7) ☒ Claim(s) 3-5,10-12 and 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is made **Non-Final**.

Claims 1-21 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,8, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,224,466 of Bush et al. referred hereinafter “Bush”.

In regards to claim 1, Bush discloses a method of verifying a monitoring and responsive infrastructure of a system, said method comprising:

setting a sensor to a simulation mode. Bush discloses operating in a test mode to inject pulses simulating the output of a working sensor. (see column 1 lines 40-41);

providing a test value to simulate a real value outputted by said sensor. Bush discloses injecting pulses to simulate the output of the working sensor (see column 1 lines 40-41);

while in said simulation mode, sending said test value instead of said real value to said monitoring and responsive infrastructure to invoke a response. Bush discloses the impulse which simulate the output of the working sensor are sent to the input circuit (see column 1 lines 41-42);
and

verifying said response to said test value. Bush discloses detecting

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the receipt of the pulses to verify that certain portions of the system are in working condition (see column 1 lines 35-36).

In regards to claim 8, Bush discloses a computer-readable medium comprising computer-executable instructions stored therein for performing a method of verifying a monitoring and responsive infrastructure of a system, said method comprising:

setting a sensor to a simulation mode. Bush discloses operating in a test mode to inject pulses simulating the output of a working sensor (see column 1 lines 40-41);

providing a test value to simulate a real value outputted by said sensor. Bush discloses injecting pulses to simulate the output of the working sensor (see column 1 lines 40-41);

while in said simulation mode, sending said test value instead of said real value to said monitoring and responsive infrastructure to invoke a response. Bush discloses the impulse which simulate the output of the working sensor are sent to the input circuit (see column 1 lines 41-42);

verifying said response to said test value. Bush discloses detecting the receipt of the pulses to verify that certain portions of the system are in working condition (see column 1 lines 35-36).

In regards to claim 15, Bush discloses a system comprising:

a monitoring and responsive infrastructure; and

a sensor operable in one of a simulation mode and a non-simulation mode. Bush discloses operating in a test mode to inject pulses simulating the output of a working sensor (see column 1 lines 40-41).

wherein while in said simulation mode a test value instead of a real value is provided to said monitoring and responsive infrastructure to invoke a response to enable verification of said

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response to said test value. Bush discloses the impulse which simulate the output of the working sensor are sent to the input circuit (see column 1 lines 41-42) and detecting the receipt of the pulses to verify that certain portions of the system are in working condition (see column 1 lines 35-36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,6,9,13,16, and 20 are rejected under 35 U.S.C. **103(a)** as being unpatentable over Bush in view of US Patent No. 6,882,963 of Slaight et al. referred hereinafter "Slaight"

In regards to claim 2, 9, and 16, Bush discloses the claim limitations as discussed above. However, Bush fails to explicitly disclose:

wherein said monitoring and responsive infrastructure is compliant with an Intelligent Platform Management Interface specification.

Slaight discloses a monitoring and responsive infrastructure that is compliant with an Intelligent Platform Management Interface specification (see column 1 lines 40-45). Slaight further discloses wherein the a monitoring and responsive infrastructure is connected to sensors (see column 3 lines 11-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Bush onto the monitoring and responsive infrastructure

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that is compliant with an Intelligent Platform Management Interface specification disclosed in Slaight, thus indicating said monitoring and responsive infrastructure is compliant with an Intelligent Platform Management Interface specification. A person of ordinary skill in the art would have been motivated to combine the teaching because Bush discloses a circuit in conjunction with an electronic system connected to a sensor (see column 1 lines 31-32 and 40-41) and the monitoring and responsive infrastructure that is compliant with an Intelligent Platform Management Interface specification, as per teachings of Slaight, constitute a circuit in conjunction with an electronic system connected to a sensor (see column 1 lines 40-45 and column 3 lines 11-23). Furthermore, Slaight is concerned with determining whether certain components are operating properly (see column 1 lines 35-40) and injecting pulses simulating output of working sensors onto input circuits or monitoring and responsive infrastructure, as per teachings of Bush, would determine whether the input circuits or monitoring and responsive infrastructure is working properly (see column 1 lines 35-36).

In regards to claim 6, 13, and 20, Bush discloses the claim limitations as discussed above. However, Bush fails to explicitly disclose:

wherein the system is a server.

Slaight discloses a server including a platform management subsystem (see column 1 lines 12-15) connected to sensors (see column 3 lines 11-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Bush onto the server including a platform management subsystem connected to sensors disclosed in Slaight, indicating wherein the system is a server. A person of ordinary skill in the art would have been motivated to combine the teaching because

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Bush discloses a circuit in conjunction with an electronic system connected to a sensor (see column 1 lines 31-32 and 40-41) and the server including a platform management subsystem connected to sensors, as per teachings of Slaight, constitute a circuit in conjunction with an electronic system connected to a sensor (see column 1 lines 12-15 and column 3 lines 11-23). Furthermore, Slaight is concerned with determining whether certain components are operating properly (see column 1 lines 35-40) and injecting pulses simulating output of working sensors onto input circuits or monitoring and responsive infrastructure, as per teachings of Bush, would determine whether the input circuits or platform management subsystem is working properly (see column 1 lines 35-36).

Claims 7, 14, and 21 are rejected under 35 U.S.C. **103(a)** as being unpatentable over Bush in view of US Patent No. 4,803,683 of Mori et al. referred hereinafter “Mori”.

In regards to claim 7, 14, and 21, Bush discloses the claim limitations as discussed above. However, Bush fails to explicitly disclose:

setting a location in a table corresponding to said sensor to a particular value indicating simulation mode is selected.

However, Mori discloses the test unit checks the test flag in the module attribute table to know whether in a test mode (see column 13 lines 45-47). If in the test mode, the test flag in the module attribute table (location in a table) must be set to indicating the test mode is selected, indicating setting a location in a table corresponding to said sensor to a particular value indicating simulation mode is selected.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Bush and Mori to set a test flag in a table to indicate the test mode is selected, indicating setting a location in a table corresponding to said sensor to a particular value indicating simulation mode is selected. A person of ordinary skill in the art would have been motivated to combine the teaching because Bush disclose initiating test mode that simulates the output of a working sensor, indicating a simulation mode, and setting a flag, as per teachings of Mori (see column 13 lines 45-47), would provide indication for the initiation of test/simulation mode.

Allowable Subject Matter

Claims 3-5,10-12, and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emerson C. Puente whose telephone number is (571) 272-3652. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Emerson Puente". The signature is fluid and cursive, with the first name "Emerson" and the last name "Puente" clearly distinguishable.

Emerson Puente
Examiner
AU 2113